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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,652	07/24/2001	Joeph Vito Pellegrino		7819

7590 07/16/2002  
Joeph Vito Pellegrino  
254 Terrace Rd  
Bayport, NY 11705

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 07/16/2002


Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,652

Applicant(s)

PELLEGRINO, JOESPH VITO 

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all the claimed subject matters as recited in claims 1-28, as well as disclosed in the specification must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

In other words, the applicant is requested to provide drawings that pictorially illustrate the claimed invention, *wherein the details of the drawings should show all subject matters that are disclosed in the specification and recited in the claims.*

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

#### **The following is a quotation of 37 CFR 1.71(a)-(c):**

The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

The specification is objected because of failing to provide a clear description of how the device works. The applicant has described an engine solely running on the power of natural permanent magnet. The present invention discloses that the magnets repel each other in the

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engine causing a turning motion of a so-called middle bar; in turn, this middle bar causing a motion drive system of gears, pulleys and conveyer belts to move in order to enable positioning of a "magnetic hammer" provided with permanent magnet to repel a magnet on an arm connected to the middle bar.

The device will not operate as disclosed because of the following reasons:

The field magnets generate steady magnetic fields interacting with the steady magnetic force of the middle bar and the "magnetic hammer" results in no change in magnetic flux flow. This will eventually bring the spinning middle bar assembly to the equilibrium state. Therefore, eventually no continuous rotation/spinning will occur on the middle bar. In other words, the device's magnetic flux flow is always in a constant state between the middle bar and the magnetic hammer; thus, there is no change in magnetic fields between the two permanent magnet assemblies in order to create a continuous rotational/spinning force to cause the rotary magnet middle-bar assembly to rotate/spin;

Furthermore, the present invention seems to disregard friction loss that will occur within the motion drive system of gears, pulleys and conveyer belts for positioning the "magnetic hammer" to repel a magnet on an arm connected to the middle bar. This friction loss will eventually effect the ability to locate the magnetic hammer to a proper position in order to generate a magnetic repel force with the magnet of the middle bar. This would result in decreasing the magnetic strength thereof.

Also, in the Specification of the invention, the applicant discloses that the engine relies solely on its own natural magnetic energy to produce rotary output energy. The present invention does not use any supplied source of input power during the working operation of engine. The claimed engine is a self-powering device.

Based on the above reasons, the present invention is known as a perpetual motion machine, which will not work because of the violation of the First and/or Second Law of Thermodynamics.

It is the policy of the U.S. Patent and Trademark Office to require a working model to be provided before a patent can be granted for perpetual motion machines. The applicant needs to clearly indicate in his response to this action how this device differs from a perpetual motion machine, and must provide an enabling disclosure for his invention.

***Claim Rejections - 35 USC § 101***

**35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

**Claims 1-28** are rejected under 35 U.S.C. 101 because the specification indicates that what the applicant trying to patent is a perpetual motion machine. The applicant must provide a working model of the disclosed invention before the application can be further examined unless the applicant is able to clearly indicate in his response to this action how this device differs from a perpetual motion machine, and must provide an enabling disclosure for his invention.

***Claim Rejections - 35 USC § 112***

**The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1-28** are rejected under 35 U.S.C. 112, *first paragraph*, for the reasons set forth in the objection to the specification.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran Nguyen whose telephone number is (703) 308-1639.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. The fax phone number for this Group is (703) 305-3431 (32).

A handwritten signature in black ink, appearing to read "Tran Nguyen", is written over the printed name.

TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800

7/13/02